



1R 1636  
Docket No. 75723-ZB/JPW/GJG/CS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: David Baltimore et al.  
Serial No.: 10/037,415 Examiner: D. Guzo  
Filed : January 4, 2002 Group Art Unit: 1636  
For : NUCLEAR FACTORS ASSOCIATED WITH TRANSCRIPTIONAL  
REGULATION

1185 Avenue of the Americas  
New York, New York 10036  
July 15, 2008

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with their duty of disclosure under 37 C.F.R. §1.56, Applicants direct the Examiner's attention to the following disclosures, which are also listed on the attached substitute Form PTO-1449 (**Exhibit A**).

The subject application is a continuation under 35 U.S.C. §120 of U.S. Application No. 08/464,364, filed June 5, 1995, now U.S. Patent No. 6,410,516, issued June 25, 2002.

Applicants note that items 1-94 listed herein were previously submitted to the U.S. Patent and Trademark Office and are readily available to the Examiner and to the public from the file history of U.S. Patent No. 6,410,516 and its merged reexamination proceeding (*Ex Parte* Reexamination Control Nos. 90/007,503, filed April 4, 2005, and 90/007,828, filed

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December 2, 2005). Accordingly, copies of items 1-94 are not enclosed; a copy of item 95 is attached hereto as **Exhibit 1**.

The Examiner is respectfully requested to make the items of record in the subject application by initialing and dating the attached substitute Form PTO-1449, and returning a copy of the initialed and dated form to Applicants' undersigned attorneys.

1. December 16, 2005 Condensed Deposition of Laurie H. Glimcher in Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-13 attached with this Third Supplemental Information Disclosure Statement, namely: Curriculum Vitae of Laurie H. Glimcher [DDX 385 12/16/05]; Glick and Opal, Review Article Drugs, (2004), 837-859 [DDX388 12/16/05 & Opal 105]; Opal and Huber, Critical Care, (2002), 6:125-136 [DDX389 12/16/05]; Joyce et al., The Journal of Biological Chemistry, (2001), 276:11199-11203 [DDX390 12/16/05]; Joyce and Grinnell, Crit. Care Med, (2002), 30:S288-S293 [DDX391 12/16/05]; Brun-Buisson et al., JAMA, (1995), 274:968-974 [DDX392 12/16/05]; Joyce et al., The Journal of Biological Chemistry, (2001), 276:11199-11203 [DDX393 12/16/05]; Brueckmann et al., Inflamm. Res. (2004), 528-533 [DDX394 12/16/05]; Leeuwen et al., Crit Care Med (2001), 29:1074-1077 [DDX395 12/16/05]; Derhaschnig et al., Blood. (2003), 102:2093-2098 [DDX396 12/16/05]; Kalil et al., Chock, (2004), 21:222-229 [DDX397 12/16/05]; Nick et al., Blood, (2004), 104:3878-3885 [DDX398 12/16/05]; Dhainaut, Crit Care Med. (2004) 32Supp:S194-S201 [DDX399 12/16/05];
2. July 16, 2007 Memorandum In Support of Eli Lilly And Company's Motion To Stay Entry of Judgement Pending

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Reexamination or For Settlement of Form of Final  
Judgement, Document 409, filed 07/16/2007, pgs. 1-18 in  
Civil Case 02 CV 11280 RWZ;

3. August 22, 2007 Reply Memorandum In Support of Eli Lilly  
And Company's Motion To Stay Entry of Judgement Pending  
Reexamination or For Settlement of Form of Final  
Judgement, Document 414, filed 08/22/2007, pgs. 1-11,  
including Exhibits 2-6 in Civil Case 02 CV 11280 RWZ;
4. September 10, 2007 Final Judgement, Document 417, filed  
09/10/2007, pgs. 1-5 in Civil Case 02 CV 11280 RWZ;
5. September 23, 2007 Memorandum In Support of Defendant's  
Renewed Motion For Judgment As A Matter Of Law Or, In The  
Alternative, A New Trial, Document 420, filed 09/23/2007,  
pgs. 1-53, including Exhibit 2 in Civil Case 02 CV 11280  
RWZ;
6. July 16, 2007 Declaration Of Laura P. Masurovsky For Eli  
Lilly And Company's Motion To Stay Entry Of Judgment  
Pending Reexamination Or For Settlement Of Form of Final  
Judgment, Document 410, filed 07/16/2007, pgs. 1-2,  
including Exhibits 2-13 in Civil Case 02 CV 11280 RWZ;
7. July 26, 2007 Plaintiffs' Opposition To Lilly's Motion To  
Stay Entry Of Judgment Pending Reexamination or for  
Settlement of Form of Final Judgement, Document 411,  
filed 07/26/2007, pgs. 1-11, including Exhibit 2 in Civil  
Case 02 CV 11280 RWZ;

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8. Rule 26(A)(2) Rebuttal Report of Thomas R. Kadesch, Ph.D. dated October 21, 2005 in Civil Case 02 CV 11280 RWZ including Exhibits 1-71 attached with this Fourth Supplemental Information Disclosure Statement, namely: U.S. Patent No. 5,500,365, issued March 19, 1996, Fischhoff et al.; U.S. Patent No. 5,625,136, issued April 29, 1997, Koziel et al.; File History of U.S. Serial No. 08/418,266, filed April 6, 1995; U.S. Patent No. 5,804,374, issued September 8, 1998, Baltimore et al.; U.S. Patent No. 5,939,421, issued August 17, 1999, Palanki et al.; File History of 06/946,365, filed December 24, 1986; File History of U.S. Serial No. 06/817,441, filed January 9, 1986; U.S. Patent No. 6,060,310, issued May 9, 2000, Cho-Chung; File History of U.S. Serial No. 07/791,898, issued November 13, 1991; U.S. Patent No. 6,410,516, issued June 25, 2002, Baltimore et al.; U.S. Patent No. 6,841,371, issued January 11, 2005, Gerlitz et al.; File History of U.S. Serial No. 07/155,207, filed February 12, 1988; File History of U.S. Serial No. 07/162,680, filed March 1, 1988; File History of U.S. Serial No. 07/280,173, filed December 5, 1988; File History of U.S. Serial No. 07/318,901, filed March 3, 1989; File History of U.S. Serial No. 07/341,436, filed April 21, 1989; Arruda et al., Blood (2005) 105:3458-3464; Kline et al., Int. J. Immunopharmac. (1984) 6:467-473; Ballard et al., Cell (1990) 63:803-814; Bass et al., Proteins: Structure, Function & Genetics (1990) 8:309-314; Berns et al., Breast Cancer Research & Treatment (1984) 4:195-204; Boda et al., Folia Biologica (1987) 33:93-97; Bressler et al., Journal of Virology (1993) 67:288-293; Brown et al., Methods in Enzymology (1979) 68:109-151; Brown et al.,

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Science (1995) 267:1485-1488; Cai et al., The Journal of Biological Chemistry (1997) 272:96-101; Cunningham and Wells, Science (1989) 244:1081-1085; Davis et al., Science (1991) 253:1268-1271; Du et al., Molecular Brain Research (2005) 136:177-188; Esslinger et al., The Journal of Immunology (1997) 158:5075-5078; Curriculum Vitae of Thomas Robert Kadesch dated 4/26/05; Fenteany et al., Science (1995) 268:726-731; Fiedler et al., Am. J. Respir. Cell Mol. Biol. (1998) 19:259-268; Fujihara et al., The Journal of Immunology (2000) 165:1004-1012; Gallop et al., J. Of Medicinal Chemistry (1994) 37:1233-1251; Gehrt et al., The Journal of Antibiotics (1998) 51:455-463; Gesner et al., Journal of Cellular Physiology (1988) 136:493-499; Gill and Ptashne, Nature (1988) 334:721-724; Haskill et al., Cell (1991) 65:1281-1289; Horuk R., Journal of Immunological Methods (1989) 119:255-258; Hoyos et al., Science (1989) 244:457-460; Kawamura et al. Gene Therapy (2001) 905-912; Khaled et al., Clinical Immunology (1998) 86:170-179; Krappmann et al., The EMBO Journal (1996) 15:6716-6726; Kumar et al., Oncogene (1998) 17:913-918; Lenardo and Baltimore, Cell (1989) 58:227-229; Lloyd et al., Nature (1991) 352:635-638; Logeat et al., The EMBO Journal (1991) 10:1827-1832; LyB et al., The Journal of Biological Chemistry (1998) 273:33508-33516; McKinney et al., The Journal of Biological Chemistry (1997) 272:22377-22380; McKnight and Kingsbury, Science (1982) 217:316-324; Meng et al., Proc. Natl. Acad. Sci. USA, (1999) 96:10403-10408; Morishita et al., Nature Medicine (1997) 3:894-899; Myers et al., Science (1986) 232:613-618; Nabel et al., Proc. Natl. Acad. Sci. USA, (1996) 93:15388-15393; Nicolau et al., Cell Fusion (1984) pp.254-267; Palombella et al., Proc.

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Natl. Acad. Sci. USA, (1998) 95:16741-15676; Ray et al., The Journal of Biological Chemistry (1995) 270:10680-10685; Reisine et al., Proc. Natl. Acad. Sci. USA, (1985) 82:8261-8265; Roberts K., Week in Review Desk (1985); Roozmond et al., Immunobiol. (1987) 176:35-46; Sawa et al., Circulation (1997) 96[suppl II]:II-280-II-285; Schindler et al., The Journal of Immunology (1990) 144:2216-2222; Scott and Smith, Science (1990) 249:386-390; Shakhov et al., J. Exp. Med. (1990) 171:35-47; Holden C., Science (1985) 230:302; Tomita et al., J. Hypertens (1998) 16:993-1000; Trepicchio and Krontiris, Nucleic Acids Research (1993) 21:977-985; Tung et al., Proc. Natl. Acad. Sci. USA, (1988) 85:2479-2483; PCT International Application No. WO 90/02809, International Publication Date March 22, 1990; PCT International Application No. WO 90/15070, International Publication Date December 13, 1990;

9. October 21, 2005 Rule 26(A)(2) Rebuttal Report Of Thomas R. Kadesch, Ph.D. in Civil Case 02 CV 11280 RWZ;
10. February 12, 2001 Response and Amendment in U.S. Serial No. 08/464,364, ADL 0000843-0000853, Document 198, filed 02/03/2006, in Civil Case 02 CV 11280 RWZ;
11. Davis et al., Science (1991) 253:1268-1271, Document 198, 02/03/2006, in Civil Case 02 CV 11280 RWZ;
12. Haskill, et al., Cell (1991) 65:1281-12889, Document 198, filed 02/03/2006, in Civil Case 02 CV 11280 RWZ;

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13. March 3, 2004 Memorandum Of Decision And Order on claim construction;
14. November 11, 2005 Reply Expert Report of Dr. Stephen Prescott, paragraphs 16-18;
15. November 11, 2005 Reply Expert Report of Dr. Jeffrey Ravetch, paragraphs 6-9;
16. November 11, 2005 Reply Expert Report Of Dr. Laurie H. Glimcher, page 11 and 12;
17. November 11, 2005 Rule 26(b)(2) Reply Report of David M. Livingston, M.D., pages 17-18;
18. November 22, 2005 Condensed Deposition of Stephen Prescott in Civil Case 02 CV 11280 RWZ, page 226, line 24 - page 242, line 25 and page 262, line 9 - page 267, line 20;
19. November 30, 2005 Condensed Deposition of Jeffrey V. Ravetch in Civil Case 02 CV 11281 RWZ, page 40, line 8 - page 58, line 25;
20. Trial Transcript - April 26, 2006 Jury Trial Day 12, Second Session in Civil Case 02 CV 11281 RWZ, page 112, line 10 and page 124, line 16;
21. Curriculum Vitae of Dr. Inder Verma;

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22. October 10, 2007 The Amgen Entities' Responses To Whitehead's First Set of Interrogatories in Civil Action No. 06-259 (MPT);
23. October 10, 2007 Wyeth's Responses To Whitehead's First Set of Interrogatories (Nos. 1-15) in Civil Action No. 06-259 (MPT);
24. October 11, 2007 Wyeth's Second Set of Requests For Production of Documents And Things (Nos. 22-101) To Ariad, Harvard, MIT, and Whitehead in Civil Action No. 06-259 (MPT);
25. October 15, 2007 The Amgen Entities' Responses to MIT's First Set of Interrogatories in Civil Action No. 06-259 (MPT);
26. October 15, 2007 The Amgen Entities' Responses to Harvard's First Set of Interrogatories in Civil Action No. 06-259 (MPT);
27. October 15, 2007 The Amgen Entities' Responses to Ariad's Fourth Set of Requests For Production of Documents in Civil Action NO. 06-259 (MPT);
28. October 31, 2007 Wyeth's Fourth Set of Supplemental Responses And Objections To Ariad's First Set of Interrogatories (Nos. 1-25) in Civil Action No. 06-259 (MPT);



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29. October 31, 2007 Ariad's And The Institutions' Responses And Objections To Wyeth's First Set of Interrogatories in Civil Action No. 06-259 (MPT);
30. October 31, 2007 Ariad's And The Institutions' Responses And Objections To Wyeth's First Set of Requests For Production of Documents And Things in Civil Action No. 06-259 (MPT);
31. November 6, 2007 Defendant And Counterclaim Plaintiff Ariad's Sixth Set of Requests For Production To The Amgen Entities in Civil Action No. 06-259 (MPT);
32. November 7, 2007 Wyeth's First Set of Requests for Admission (Nos. 1-160) To Ariad, Harvard, MIT, and Whitehead in Civil Action No. 06-259 (MPT);
33. November 7, 2007 The Amgen Entities' Responses To Ariad's Fifth Set of Requests For Production of Documents in Civil Action No. 06-259 (MPT);
34. November 7, 2007 Wyeth's Third Set of Requests For Production of Documents And Things (Nos. 101-109) To Ariad, Harvard, MIT, and Whitehead in Civil Action No. 06-259 (MPT);
35. November 8, 2007 Wyeth's Responses To Ariad's Third Set of Requests For Production of Documents (Nos. 108-121) in Civil Action No. 06-259 (MPT);

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36. November 12, 2007 The Amgen Entities' Responses To Ariad's Third Set of Interrogatories in Civil Action No. 06-259 (MPT);
37. November 12, 2007 Wyeth's Responses And Objections To Ariad And The Institutions' Second Set of Interrogatories (Nos. 26-29) in Civil Action No. 06-259 (MPT);
38. November 13, 2007 Defendant And counterclaim Plaintiff Ariad's Fourth Set of Requests For Production of Documents And Things to Wyeth in Civil Action No. 06-259 (MPT);
39. November 15, 2007 Ariad's And The Institutions' Responses And Objections To Wyeth's Second Set of Interrogatories in Civil Case No. 06-259 (MPT);
40. November 15, 2007 The Amgen Entities' Second Set of Requests For Admission Directed To Ariad And the Institutions in Civil Action No. 06-259 (MPT);
41. November 15, 2007 The Amgen Entities' Third Set of Requests For Production of Documents And things Directed To Ariad And The Institutions in Civil Action No. 06-259 (MPT);
42. November 15, 2007 Ariad's And the Institutions' Responses And Objections To Wyeth's Second Set of Requests For Production for Documents And Things in Civil Action No. 06-259 (MPT);

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43. Deposition Transcript of Dr. Thomas R. Kadesch dated June 21, 2007, Amgen, Inc. v. F. Hoffmann-La Roche Ltd., a Swiss Company, Roche Diagnostics GmbH, a German Company, and Hoffmann-La Roche, Inc., A New Jersey Corporation, U.S. District Court, District of Massachusetts, in Civil Action No. 05-12237 WGY;
44. October 11, 2007 Wyeth's Second Set of Interrogatories To Ariad, The President And Fellows of Harvard College, The Massachusetts Institute of Technology, And The Whitehead Institute For Biomedical Research in Civil Action No. 06-259 (MPT);
45. October 19, 2007 Counterclaim Plaintiffs Ariad's And The Institutions' Second Set of Interrogatories To Wyeth in Civil Action No. 06-259 (MPT);
46. October 19, 2007 Counterclaim Plaintiffs Ariad's And The Institutions' Third Set of Interrogatories To The Amgen Entities in Civil Action No. 06-259 (MPT);
47. October 22, 2007 Wyeth's Third Set of Interrogatories To Ariad, The President And Fellows of Harvard College, The Massachusetts Institute of Technology, And The Whitehead Institute For Biomedical Research in Civil Action No. 06-259 (MPT);
48. November 15, 2007 Amgen Entities' Third Set of Interrogatories Directed To Ariad And the Institutions in Civil Action No. 06-259 (MPT);

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49. January 18, 2008 Expert Report of Randolph Wall, Ph.D. in the litigation captioned *Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al.*, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;
50. The Amgen Entities' 5<sup>th</sup> Notice of Deposition to Ariad, Whitehead, Harvard and MIT Pursuant to Fed. R.Civ. P.30(b)(6), dated January 25, 2008, in the litigation captioned *Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al.*, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;
51. January 31, 2008 Memorandum Order of the Hon. Judge Thyng on Amgen's Motion to Amend and Supplement Their Reply to ARIAD's Counterclaims in the litigation captioned *Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al.*, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;
52. January 18, 2008 Expert Report of Jeffrey V. Ravetch, M.D., Ph.D. in the litigation captioned *Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al.*, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;
53. January 18, 2008 Expert Report of Randolph Wall, Ph.D. in the litigation captioned *Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al.*, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;
54. October 21, 2005 Rule 26(A)(2) Rebuttal Report of Thomas R. Kadesch, Ph.D. in the litigation captioned *Ariad Pharmaceuticals, Inc. et al. v. Eli Lilly and Co.*, U.S.

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District Court for the District of Massachusetts, CA No.  
02 CV 11280 RWZ;

55. June 21, 2007 Deposition Transcript of Dr. Thomas R. Kadesch in the litigation captioned *Amgen, Inc. v. F. Hoffmann-La Roche Ltd., et al.*, U.S. District Court for the District of Massachusetts, CA No. 0512237 WGY;
56. November 6, 2007 Transcript of Videotaped Deposition of Patricia Granahan, Sc.D., pgs. 1-235 & A.1-A.23, in Civil Action No. 06-259 (MPT), including i) file history of: 1) 08/464,364 (Pat. No. 6,410,516) [Amgen v. Ariad Plaintiffs Dep. Exh. 195; 2) 08/463,397 (Pat. No. 6,150,090) [Amgen v. Ariad Plaintiffs Dep. Exh. 196]; 3) 08/418,266 [Amgen v. Ariad Plaintiffs Dep. Exh. 197]; 4) 07/341,436 [Amgen v. Ariad Plaintiffs Dep. Exh. 198]; 5) 06/946,365 [Amgen v. Ariad Plaintiffs Dep. Exh. 199]; 6) 07/318,901 [amgen v. Ariad Plaintiffs Dep. Exh. 200]; 7) 07/280,173 [Amgen v. Ariad Plaintiffs Dep. Exh. 201]; 8) 07/791,898 [Amgen v. Ariad Plaintiffs Dep. Exh. 202] and, ii) deposition Exhibits 1-17 which are attached with this Supplemental Information Disclosure Statement, namely: 1) file history of 07/162,680 [inc. Tabs 1-29] {Granahan Exh. 1}; 2) November 14, 1988 correspondence from Patricia Granahan {Granahan Exh. 2}; 3) Declaration for patent application U.S. Serial No. 07/318,901 {Granahan Exh. 3}; 4) Code of Federal Regulations {Granahan Exh. 4}; 5) August 10, 1990 correspondence from Patricia Granahan {Granahan Exh. 5}; 6) March 22, 1990 correspondence from Patricia Granahan {Granahan Exh. 6}; 7) Manual of Patent Examining Procedure {Granahan Exh. 7}; 8) WO 87/04170 {Granahan Exh. 8}; 9) Redacted front

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sheet; Notice Informing the Applicant of Communication of the International Application to the Designated Offices issued under PCT Rule 47.1(c) first sentence inc. WO 89/08147 {Granahan Exh. 9}; 10) Redacted; 11) EP 0 407 411 B1 {Granahan Exh. 11}; 12) Redacted; 13) Redacted; 14) Redacted; 15) Redacted; 16) Redacted; and 17) Redacted;

57. November 7, 2007 Transcript of Videotaped Deposition of Lisa Marie Treannie, pgs. 1-130 & A.1-A.13, in Civil Action No. 06-259 (MPT), including deposition Exhibits 1-6 which are attached with this Supplemental Information Disclosure Statement, namely: 1) January 18, 1996 correspondence from Kiyoshi Asamura {Treannie Exh. 1, 11-7-07}; 2) February 2, 1996 correspondence from Lisa Warren {Treannie Exh. 2, 11-7-07}; 3) March 17, 1997 correspondence from Lisa Warren {Treannie Exh. 3, 11-7-07}; 4) correspondence from Patricia Granahan {Treannie Exh. 4, 11-7-07}; 5) July 8, 1997 correspondence from Lisa M. Warren {Treannie Exh. 5, 11-7-07}; and 6) U.S. Serial No. 817,441 inc. Tabs 1-28 {Treannie Exh. 6, 11-7-07};
58. November 9, 2007 (Draft Transcript) of Matthew Perry Vincent, in Civil Action No. 06-259 (MPT);
59. November 13, 2007 Transcript of Videotaped Deposition of David L. Berstein, Ph.D., pgs. 1-324 & A.1-A.30, in Civil Action No. 06-259 (MPT) including deposition Exhibits 1-16 which are attached with this Supplemental Information Disclosure Statement, namely: 1) Wyeth's First Notice of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) To Ariad,

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- Harvard, MIT, And Whitehead {Berstein Exh. 1, 11-13-07};  
2) November 5, 2007 correspondence from Nathan Lowenstein  
{Berstein Exh. 2, 11-13-07}; 3) Manual of Patent  
Examining Procedure {Berstein Exh. 3, 11-13-07}; 4)  
Redacted; 5) June 17, 1997 correspondence from Lisa  
Warren {Berstein Exh. 5, 11-13-07}; 6) September 15, 1997  
correspondence from Lisa Warren {Berstein Exh. 6, 11-13-  
07}; 7) Redacted; 8) February 17, 1998 correspondence  
from Patricia Granahan {Berstein Exh. 8, 11-13-07}; 9)  
Notice of Allowance {Berstine Exh. 9, 11-13-07}; 10)  
August 30, 1994 memorandum from Patricia Granahan  
{Berstein Exh. 10, 11-13-07}; 11) May 15, 2000  
correspondence from Harvey Berger {Berstein Exh. 11, 11-  
13-07}; 12) Redacted; 13) December 22, 1994  
correspondence from Patricia Granahan {Berstein Exh. 13,  
11-13-07}; 14) Redacted; 15) Redacted; and 16) Redacted;
60. November 29, 2007 Transcript of Deposition of Laurie  
Allen, Volume I, pgs. 2-150 & A.1-A.16 in Civil Action  
No. 06-259 (MPT);
61. November 30, 2007 Transcript of Deposition of Laurie  
Allen, Volume II, pgs. 151-271 & A.1-A.13 in Civil Action  
No. 06-259 (MPT);
62. December 14, 2007 Transcript of Videotaped Deposition of  
Harvey J. Berger, M.D., pgs. 1-146 & A.1-A.17 in Civil  
Action No. 06-259 (MPT);
63. December 12, 2007 Transcript of Videotaped Deposition of  
Lita Nelsen, pgs. 2-222 & A.1-A.23 in Civil Action No.  
06-259 (MPT);

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64. December 18, 2007 Transcript of Deposition of Isabelle Clauss, Volume I, pgs. 1-100 & A.1-A.10 in Civil Action No. 06-259 (MPT);
65. February 22, 2008 Expert Report of David M. Livingston, M.D., in Civil Action No. 06-259 (MPT);
66. February 22, 2008 Rebuttal Report of Jeffrey V. Ravetch, M.D., Ph.D., in Civil Action No. 06-259 (MPT);
67. February 22, 2008 Rebuttal Expert Report of Randolph Wall, Ph.D., in Civil Action No. 06-259 (MPT);
68. March 7, 2008 Reply Expert Report of Warner Craig Greene, M.D., Ph.D., in Civil Action No. 06-259 (MPT);
69. December 11, 2007 Amgen Entities' first Amended Reply to Ariad, Harvard, MIT, And Whitehead's Amended Counterclaims, in Civil Action No. 06-259 (MPT);
70. January 22, 2008 Telephone Conference before Mary Pat Thyng, U.S. Magistrate Judge, in Civil Action No. 06-259 (MPT);
71. February 8, 2008 Defendants-Counterclaim-Plaintiffs Ariad's And The Institutions' Memorandum of Law In Support of Their Motion To Amend Counterclaims, in Civil Action No. 06-259 (MPT);
72. February 8, 2008 Declaration of David Greenwald In Support of Defendants-Counterclaim-Plaintiffs Ariad's And



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The institutions' Motion to Amend Counterclaims, in Civil Action No. 06-259 (MPT);

73. March 7, 2008 Defendants-Counterclaim-Plaintiffs Ariad's And The Institutions; Reply Memorandum In Support of Their Reply Memorandum in Support of Their Motion to Amend Counterclaims, Civil Action No. 06-259 (MPT);
74. February 22, 2008 Expert Report of James Mark Jackson, M.D., in Civil Action No. 06-259 (MPT);
75. February 20, 2008 Condensed Transcript of Harvey Berger in the litigation captioned *Amgen, Inc. Et al. v. Ariad Pharmaceuticals, Inc. et al.*, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;
76. March 7, 2008 Reply Expert Report of Randolph Wall, Ph.D. in the litigation captioned *Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al.*, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;
77. February 20, 2008 Condensed Transcript of Harvey Berger in the litigation captioned *Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al.*, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;
78. March 5, 2008 Reply Expert Report of Jeffrey M. Ravetch, Ph.D. in the litigation captioned *Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al.*, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;

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79. October 30, 2007 Memorandum In Support of Eli Lilly And Company's Motion For Relief From Judgment Under Fed. R. Civ. P. 60(b) And for Additional Discovery, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ;
80. November 15, 2007 Plaintiffs' Opposition To Lilly's Renewed Motion For Judgment As A Matter of Law Or, In The Alternative, A New Trial, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ;
81. December 5, 2007 Opposition To Eli Lilly And Company's Motion For Relief From Judgment Under Fed. R. Civ. P. 60(b) (Redacted version of document filed under seal), including Exhibits 1-7, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ;
82. December 13, 2007 Reply In Support of Defendant's Renewed Motion For Judgment As a Matter of Law Or, In the Alternative, A New Trial, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ;
83. December 26, 2007 Sur-Reply In Support of Plaintiff's Opposition To Defendant's Renewed Motion For Judgment As a Matter Of Law Or, In The Alternative, A New Trial, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ;

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84. February 8, 2008 Notice Of Supplemental Authority, including attachment, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ;
85. March 10, 2008 Notice of Appeal, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ;
86. March 18, 2008 Notice of Docketing, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ;
87. Index of Civil Docket For Case No.: 1:02-cv-11280-RWZ starting from July 6, 2007, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co., U.S. District Court for the District of Massachusetts;
88. April 25, 2008 Defendants-Counterclaim-Plaintiffs' Opening Brief on Claim Construction, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;
89. April 25, 2008 The Amgen Entities' Brief In Support of Their Motion For Summary Judgment of Noninfringement of U.S. Patent No. 6,410,516, U.S. District Court for the District of Delaware, in Civil Action No. 06-259 (MPT) Confidential Filed Under Seal;

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90. April 25, 2008 The Amgen Entities' Brief In Support of Their Motion to Preclude Ariad's Proffered Experts on Willfulness and Inequitable Conduct From Opining on Intent, State of Mind, and Other Matters, U.S. District Court for the District of Delaware, in Civil Action No. 06-259 (MPT) Public Version Confidential Material Omitted;
91. April 25, 2008 The Amgen Entities' Brief In Support of Their Daubert Motion To Preclude Certain Unsupported and Unreliable Opinions of Dr. Ryan Sullivan Relating to Damages, U.S. District Court for the District of Delaware, in Civil Action No. 06-259 (MPT) Public Version Confidential Material Omitted;
92. April 25, 2008 The Amgen Entities' Brief In Support of Its Daubert Motion To Preclude Certain Proffered Opinions of Dr. Jeffrey V. Ravetch Relating to Written Description and Inherent Anticipation, U.S. District Court for the District of Delaware, in Civil Action No. 06-259 (MPT);
93. April 25, 2008 Memorandum In Support of Defendants-Counterclaim-Plaintiffs' Motion for Partial Dismissal For Lack of Subject Matter Jurisdiction, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;
94. April 25, 2008 Covenant Not To Sue, U.S. District Court for the District of Delaware, CA No. 06-259-MPT; and
95. June 19, 2008 Transcript of Claim Construction Hearing in the litigation captioned *Amgen, Inc. et al. v. Ariad*

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*Pharmaceuticals, Inc., et al.*, U.S. District Court for  
the District of Delaware, CA No. 06-259-MPT (**Exhibit 1**).

Item 1 was previously disclosed as Exhibit H in THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed April 4, 2006, in connection with *Ex Parte* Reexamination Control No. 90/007,503. Item 1 was also previously disclosed as item 314 in AMENDMENT IN RESPONSE TO MARCH 28, 2006 RESTRICTION REQUIREMENT, PETITION FOR A FIVE-MONTH EXTENSION OF TIME AND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed September 28, 2006, in the subject application, but was inadvertently omitted from the corresponding substitute Form PTO-1449.

Items 2-7 were previously disclosed as Exhibits 1-6 in RESPONSE TO JULY 6, 2007 FINAL OFFICE ACTION, SUMMARY OF AUGUST 22, 2007 EXAMINER INTERVIEW, STATEMENT OF CONCURRENT PROCEEDINGS UNDER 37 C.F.R. §1.565, AND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed October 22, 2007, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828. Items 2-7 were also disclosed as items 243-248 in AMENDMENT IN RESPONSE TO JUNE 4, 2007 OFFICE ACTION AND PETITION FOR THREE-MONTH EXTENSION OF TIME AND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed December 4, 2007, in the subject application, but were inadvertently omitted from the corresponding substitute Form PTO-1449.

Item 8 was previously disclosed as Exhibit Q in FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed April 7, 2006, in connection with *Ex Parte* Reexamination Control No. 90/007,503.

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Items 9-12 were previously disclosed as Exhibits 15, 71, 77, and 82, respectively, in FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed April 19, 2006, in connection with *Ex Parte* Reexamination Control No. 90/007,503.

Items 13-20 were previously disclosed as Exhibits 4-11 in RESPONSE TO AUGUST 2, 2006 OFFICE ACTION, SUMMARY OF OCTOBER 13, 2006 EXAMINER INTERVIEW, STATEMENT OF CONCURRENT PROCEEDINGS UNDER 37 C.F.R. §1.565, AND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed November 9, 2006, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Item 21 was previously disclosed as Exhibit 5 in THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed July 3, 2007, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Items 22-43 were previously disclosed as Exhibits 1-22 in NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed December 13, 2007, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Items 44-48 were previously disclosed as Exhibits 1-5 in TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed December 14, 2007, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Items 49 and 50 were previously disclosed as Exhibits 1 and 2, respectively, in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed February 20, 2008, in connection with the

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merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Items 51-55 were previously disclosed as Exhibits 1-5 in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed February 20, 2008, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Items 56-64 were previously disclosed as Exhibits B-J in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed February 26, 2008, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Items 65-75 were previously disclosed as Exhibits 1-11 in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed April 7, 2008, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Items 76-77 were previously disclosed as Exhibits 1-2 in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed April 7, 2008, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Item 78 was previously disclosed as Exhibit 1 in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed April 7, 2008, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

Items 79-87 were previously disclosed as Exhibits 1-9 in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed May 9, 2008, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

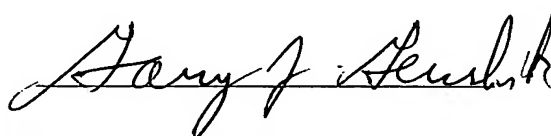
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Items 88-94 were previously disclosed as Exhibits 1-7 in SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT, filed June 6, 2008, in connection with the merged proceeding of *Ex Parte* Reexamination Control Nos. 90/007,503 and 90/007,828.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee, other than the enclosed \$180.00 fee for filing a Supplemental Information Disclosure Statement, is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. Accordingly, a check for \$180.00 is enclosed. However, if any fee is required, authorization is hereby given to charge the additional amount of any such fee to Deposit Account No. 03-3125.

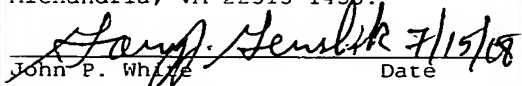
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment  
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P.O. Box 1450  
Alexandria, VA 22313-1450.

  
John P. White  
Reg. No. 28,678  
Gary J. Gershik  
Reg. No. 39,992

Date





## **EXHIBIT A**

**of Supplemental Information Disclosure Statement  
filed July 15, 2008**

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Filed: January 4, 2002  
Group Art Unit: 1636  
Examiner: D. Guzo